

Ministerial Correspondence Unit - Justice Canada

From: Lametti, David - M.P. <David.Lametti@parl.gc.ca>
Sent: Wednesday, February 16, 2022 10:31 AM
To: Ministerial Correspondence Unit - Justice Canada
Subject: TR: Letter to Provincial and Territorial Premiers on Emergencies Act
Attachments: Minister David Lametti, February 15, 2022.pdf; Gazette.pdf; Letter to Provincial and Territorial Premiers on Emergencies Act.pdf

Categories: VIP/SVIP

De : Foster, Gabriela <Gabriela.Foster@pco-bcp.gc.ca>
Envoyé : 16 février 2022 10:23
À : Lametti, David - M.P. <David.Lametti@parl.gc.ca>
Objet : Letter to Provincial and Territorial Premiers on Emergencies Act

Good morning,

Please find attached a correspondence from the Prime Minister of Canada and a related document pertaining to the Emergencies Act.

Thank you,

Gabriela Foster

Correspondence Coordinator
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Privy Council Office / Government of Canada
Gabriela.Foster@pco-bcp.gc.ca / Telephone 613-608-0580

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Bureau du Conseil privé / Gouvernement du Canada
Gabriela.Foster@pco-bcp.gc.ca / Téléphone 613-608-0580



PRIME MINISTER • PREMIER MINISTRE

FEV 15 2022
FEB 15 2022

Dear Colleague:

I am forwarding, for your information, a copy of my recent letter to provincial and territorial premiers, consulting them on a potential declaration of a public order emergency under the *Emergencies Act*.

Sincerely,

The Honourable David Lametti
Minister of Justice and Attorney General of Canada
Room 306, Justice Building
House of Commons
Ottawa, Ontario
K1A 0A6



PRIME MINISTER • PREMIER MINISTRE

FEV 15 2022
FEB

Dear Premier:

I would like to thank you for the productive conversation we had at the First Ministers' Meeting on February 14, 2022, where we consulted you on the declaration of a public order emergency under the *Emergencies Act*.

I recognize many Canadians, including myself, are frustrated with the pandemic, and with having our lives disrupted for two years. However, while some protestors have participated to demonstrate their fatigue and frustration with public health measures, this is no longer the motivation of many of the participants and organizers. We are seeing activity that is a threat to our democracy and that is undermining the public's trust in our institutions.

The Government of Canada believes firmly in the right to peaceful protest. But as we discussed, the activities taking place across the country have gone well beyond peaceful protest. These are organized events, and the situation is very volatile. While this may have started in Ottawa, we are seeing flare-ups in almost every jurisdiction.

The Honourable Andrew Furey
Premier of Newfoundland and Labrador
Confederation Building
P.O. Box 8700
St. John's, Newfoundland and Labrador
A1B 4J6

We are facing significant economic disruptions, with the breakdown of supply chains. This is costing Canadians their jobs and undermining our economic and national security, with potentially significant impacts on the health and safety of Canadians. It is affecting Canada's reputation internationally, hurting trade and commerce, and undermining confidence and trust in our institutions.

Given that this situation is escalating, we each have to look at all possible measures to resolve the current challenges as quickly as possible. We believe that we have reached the point where there is a national emergency arising from threats to Canada's security. That is why the Government of Canada has determined it is necessary to take action to protect Canadians and safeguard our economy by declaring a public order emergency under the *Emergencies Act*.

The declaration of a public order emergency serves as authority for Canada to enact measures under paragraph 19(1) of the *Emergencies Act*. During our call, Minister Lametti highlighted six types of temporary, time-limited measures that could be adopted under the *Emergencies Act*:

1. Regulation and prohibition of public assemblies that lead to a breach of the peace other than lawful advocacy, protest, or dissent

What we are seeing in Ottawa and at the Ambassador Bridge are not lawful protests. Examples of measures could include: prohibiting minors from participating in an unlawful activity; prohibiting foreign nationals from entering Canada to participate in an illegal gathering; removing foreign nationals from Canada when appropriate; and adding to the list of offences that qualify as inadmissible criteria for entry into Canada.

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6. The imposition of fines or imprisonment for contravention of any order or regulation made under section 19 of the *Emergencies Act*

Our Government recognizes the importance of coordinating with provinces, territories, and municipalities to ensure the safety and security of Canadians. Targeted, time-limited, and proportional measures under the *Emergencies Act* would provide further support to police within your jurisdiction. This is not about displacing provincial or territorial jurisdiction, or superseding measures you have in place. This is about supplementing measures in your jurisdiction with additional legal authorities to give local law enforcement the maximum leverage to be able to uphold the rule of law and deal with the situation we are facing. We are not proposing to have the RCMP or any other authority supplant local law enforcement; rather, we wish to expand the range of tools available to law enforcement at all levels. We want to ensure that the federal response complements the efforts that your governments and municipalities continue to make to bring stability to the nation. The federal government continues to stand by to assist with resource asks, if and when required, to deal with the current situation.

I appreciate the views you shared yesterday on our call and I can assure you that they have been taken into account in the approaches we are taking, and will also inform the consultation report which will be tabled with the motion confirming the declaration. In addition to our discussions to date, briefings and discussions amongst officials in the coming days will also be useful. Consultation and coordination will continue to be essential on implementation which is consistent with the requirements of the *Emergencies Act* for consultations.

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President of the Queen's Privy Council for Canada and Minister of Emergency Preparedness; Marco E. L. Mendicino, Minister of Public Safety; and Dominic LeBlanc, Minister of Intergovernmental Affairs, Infrastructure and Communities.

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PRIME MINISTER • PREMIER MINISTRE

RECEIVED 15 2022

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The Honourable Blaine Higgs
Premier of New Brunswick
Chancery Place
P.O. Box 6000
Fredericton, New Brunswick
E3B 5H1

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Sincerely,

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PRIME MINISTER · PREMIER MINISTRE

FEB 15 2022

Monsieur le premier ministre,

Avant tout, je souhaite vous remercier pour les échanges productifs que nous avons eus à la rencontre des premiers ministres du 14 février 2022, au cours de laquelle nous vous avons consulté à propos de la prise d'effet d'une déclaration d'état d'urgence en vertu de la *Loi sur les mesures d'urgence*.

Beaucoup de Canadiens et de Canadiennes en ont assez de la pandémie et des perturbations qu'elle cause à leur vie depuis deux ans. Je suis moi-même de ce nombre. Bien que des gens aient pris part aux manifestations pour exprimer leur insatisfaction et leur frustration à l'égard des mesures sanitaires, il semble que ce ne sont plus ces sentiments qui motivent une bonne partie des manifestants et des organisateurs. Nous assistons en effet à des activités qui menacent notre démocratie et minent la confiance du public dans nos institutions.

Le gouvernement du Canada croit fermement au droit de manifester pacifiquement. Toutefois, tel que nous en avons discuté, les activités qui se déroulent actuellement à l'échelle du pays dépassent largement le cadre de ce qui pourrait être considéré comme des manifestations pacifiques. Il s'agit d'événements concertés et la situation demeure instable. Le mouvement s'est amorcé à Ottawa, mais des situations semblables émergent maintenant dans presque toutes nos régions.

L'honorable Blaine Higgs
Premier ministre du Nouveau-Brunswick
Édifice Chancery
Boîte postale 6000
Fredericton (Nouveau-Brunswick)
E3B 5H1

En bloquant les chaînes d'approvisionnement, ce mouvement perturbe considérablement notre économie. Il prive des Canadiens et des Canadiennes de leur gagne-pain, compromet notre sécurité économique et nationale, en plus d'avoir des répercussions potentiellement importantes sur la santé et la sécurité de la population. Il mine la réputation du Canada à l'étranger, met à mal les affaires et le commerce, et ébranle la confiance dans nos institutions.

Puisque la situation va en s'aggravant, nous devons tous et toutes envisager l'ensemble des mesures susceptibles de la régler dans les meilleurs délais. Nous estimons que nous sommes désormais en présence d'une situation d'urgence nationale causée par des menaces envers la sécurité du Canada. Le gouvernement du Canada a donc jugé qu'il est nécessaire d'agir afin de protéger la population canadienne et de préserver notre économie. Pour ce faire, nous avons déclaré l'état d'urgence en application de la *Loi sur les mesures d'urgence*.

La déclaration d'état d'urgence confère au Canada le pouvoir de prendre les mesures décrites au paragraphe 19(1) de la *Loi sur les mesures d'urgence*. Au cours de notre appel, le ministre Lametti a décrit six types de mesures temporaires permises en vertu de la *Loi sur les mesures d'urgence* :

- 1. Réglementer et interdire les assemblées publiques qui ont pour effet de troubler la paix, autres que les activités licites de défense d'une cause, de protestation ou de manifestation d'un désaccord,**

Ce que nous voyons à Ottawa et sur le pont Ambassador ne constitue pas des manifestations légales. Des mesures pouvant être prises incluent : empêcher la participation de mineurs à une activité illicite; empêcher les ressortissants étrangers d'entrer au Canada pour participer à un rassemblement illégal; expulser des ressortissants étrangers du Canada quand cela s'avère nécessaire; allonger la liste des délits qui entraînent l'inadmissibilité à entrer au Canada.

- 2. Désigner et aménager des lieux protégés où les blocages sont interdits**

Cela pourrait inclure l'application des mesures à des lieux bien délimités comme les frontières, les voies d'accès aux frontières, d'autres infrastructures essentielles ou la ville d'Ottawa.

- 3. Ordonner à des personnes de fournir des services essentiels pour atténuer les répercussions des blocages sur l'économie du Canada**

Cela pourrait comprendre les conducteurs de dépanneuses et leur équipement, contre rémunération.

- 4. Autoriser ou obliger les institutions financières à fournir des services essentiels pour atténuer les répercussions des blocages**

Ceci pourrait inclure la réglementation et l'interdiction de l'utilisation de certains biens qui servent à financer ou soutenir les blocages.

5. Permettre à la Gendarmerie royale du Canada de faire appliquer les règlements municipaux et les lois provinciales, si le besoin s'en fait sentir et si les autorités locales le lui demandent

Toutes les mesures adoptées en application de la *Loi sur les mesures d'urgence* seraient applicables par les services de police municipaux et provinciaux; la Gendarmerie royale du Canada pourrait prêter main-forte si on le lui demande.

6. Imposer des amendes ou des peines d'emprisonnement en cas de contravention aux décrets ou règlements émis en vertu de l'article 19 de la *Loi sur les mesures d'urgence*

Notre gouvernement est conscient de l'importance de la coordination avec les provinces, les territoires ainsi que les municipalités pour garantir la sûreté et la sécurité des Canadiens et des Canadiennes. Des mesures ciblées, temporaires et proportionnées à la situation, prises en application de la *Loi sur les mesures d'urgence*, donneraient un appui supplémentaire aux services de police de votre province. Nous ne tentons ni de nous immiscer dans les champs de compétence des provinces et des territoires ni de remplacer les mesures que vous avez mises en place. Il s'agit plutôt pour le gouvernement fédéral de vous fournir des pouvoirs supplémentaires qui donneront à vos services de police tous les outils dont ils ont besoin pour faire respecter la loi et dénouer la crise que nous traversons. Nous ne proposons pas que la Gendarmerie royale du Canada ou une autre autorité supplante les services de police locaux; nous voulons en fait élargir l'éventail des outils dont disposent les forces de l'ordre à tous les niveaux. Nous souhaitons que l'intervention du gouvernement fédéral complète les mesures que votre gouvernement et vos municipalités prennent déjà pour apporter de la stabilité à notre pays. Le gouvernement fédéral demeurera à l'écoute de vos besoins en ressources et vous aidera, si vous en faites la demande, à composer avec la situation actuelle.

J'apprécie les points de vue que vous avez partagés hier lors de notre appel et je peux vous assurer qu'ils ont été pris en compte dans les approches que nous avons prises, en plus d'alimenter le rapport de consultation qui sera déposé avec la motion confirmant la déclaration. En plus des discussions que nous avons eues jusqu'à présent, des séances d'information et des discussions entre fonctionnaires dans les prochains jours seront utiles. La consultation et la coordination sur la mise en œuvre demeureront essentielles, ce qui cadre d'ailleurs avec les dispositions de la *Loi sur les mesures d'urgence* qui régissent les consultations.

Encore une fois, je vous remercie pour la discussion que nous avons eue au sujet de la *Loi sur les mesures d'urgence*. J'ai hâte d'en apprendre davantage sur votre point de vue au cours du processus de consultation que nous poursuivrons. Le gouvernement fédéral fera le suivi et évaluera continuellement l'application des pouvoirs conférés

par la *Loi sur les mesures d'urgence* et se tiendra prêt à réagir pour répondre à tous les besoins exprimés par les premiers ministres des provinces et des territoires. De plus, le ministre de la Sécurité publique fera le point régulièrement avec ses homologues. Vous pouvez vous adresser à moi, ou encore aux ministres Lametti, Mendicino et LeBlanc, pour discuter plus avant de cette question.

Je transmets un exemplaire de cette lettre, à titre d'information, à David Lametti, ministre de la Justice et procureur général du Canada; Chrystia Freeland, vice-première ministre et ministre des Finances; William Sterling Blair, président du Conseil privé de la Reine pour le Canada et ministre de la Protection civile; Marco E. L. Mendicino, ministre de la Sécurité publique; et à Dominic LeBlanc, ministre des Affaires intergouvernementales, de l'Infrastructure et des Collectivités.

Je vous prie d'agréer, Monsieur le premier ministre, l'expression de mes sentiments les meilleurs.

A handwritten signature in dark ink, appearing to read 'Justin Trudeau', with a large, stylized initial 'J' and a horizontal line extending to the right.



PRIME MINISTER • PREMIER MINISTRE

FEB 15 2022

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The Honourable Caroline Cochrane
Premier of the Northwest Territories
P.O. Box 1320
Legislative Assembly Building
2nd Floor
Yellowknife, Northwest Territories
X1A 2L9

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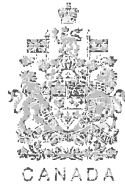
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The Honourable Dennis King
Premier of Prince Edward Island
Shaw Building, 95 Rochford Street
P.O. Box 2000
Charlottetown, Prince Edward Island
C1A 7N8

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Sincerely,

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PRIME MINISTER • PREMIER MINISTRE

FEB 15 2022

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The Honourable Doug Ford
Premier of Ontario
Room 281, Legislative Building
Queen's Park
Toronto, Ontario
M7A 1A1

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PRIME MINISTER • PREMIER MINISTRE

FEV 15 2022
FEB

Monsieur le premier ministre,

Avant tout, je souhaite vous remercier pour les échanges productifs que nous avons eus à la rencontre des premiers ministres du 14 février 2022, au cours de laquelle nous vous avons consulté à propos de la prise d'effet d'une déclaration d'état d'urgence en vertu de la *Loi sur les mesures d'urgence*.

Beaucoup de Canadiens et de Canadiennes en ont assez de la pandémie et des perturbations qu'elle cause à leur vie depuis deux ans. Je suis moi-même de ce nombre. Bien que des gens aient pris part aux manifestations pour exprimer leur insatisfaction et leur frustration à l'égard des mesures sanitaires, il semble que ce ne sont plus ces sentiments qui motivent une bonne partie des manifestants et des organisateurs. Nous assistons en effet à des activités qui menacent notre démocratie et minent la confiance du public dans nos institutions.

Le gouvernement du Canada croit fermement au droit de manifester pacifiquement. Toutefois, tel que nous en avons discuté, les activités qui se déroulent actuellement à l'échelle du pays dépassent largement le cadre de ce qui pourrait être considéré comme des manifestations pacifiques. Il s'agit d'événements concertés et la situation demeure instable. Le mouvement s'est amorcé à Ottawa, mais des situations semblables émergent maintenant dans presque toutes nos régions.

Monsieur François Legault
Premier ministre du Québec
Édifice Honoré-Mercier, 3e étage
835, boulevard René-Lévesque Est
Québec (Québec)
G1A 1B4

En bloquant les chaînes d'approvisionnement, ce mouvement perturbe considérablement notre économie. Il prive des Canadiens et des Canadiennes de leur gagne-pain, compromet notre sécurité économique et nationale, en plus d'avoir des répercussions potentiellement importantes sur la santé et la sécurité de la population. Il mine la réputation du Canada à l'étranger, met à mal les affaires et le commerce, et ébranle la confiance dans nos institutions.

Puisque la situation va en s'aggravant, nous devons tous et toutes envisager l'ensemble des mesures susceptibles de la régler dans les meilleurs délais. Nous estimons que nous sommes désormais en présence d'une situation d'urgence nationale causée par des menaces envers la sécurité du Canada. Le gouvernement du Canada a donc jugé qu'il est nécessaire d'agir afin de protéger la population canadienne et de préserver notre économie. Pour ce faire, nous avons déclaré l'état d'urgence en application de la *Loi sur les mesures d'urgence*.

La déclaration d'état d'urgence confère au Canada le pouvoir de prendre les mesures décrites au paragraphe 19(1) de la *Loi sur les mesures d'urgence*. Au cours de notre appel, le ministre Lametti a décrit six types de mesures temporaires permises en vertu de la *Loi sur les mesures d'urgence* :

1. Réglementer et interdire les assemblées publiques qui ont pour effet de troubler la paix, autres que les activités licites de défense d'une cause, de protestation ou de manifestation d'un désaccord,

Ce que nous voyons à Ottawa et sur le pont Ambassador ne constitue pas des manifestations légales. Des mesures pouvant être prises incluent : empêcher la participation de mineurs à une activité illicite; empêcher les ressortissants étrangers d'entrer au Canada pour participer à un rassemblement illégal; expulser des ressortissants étrangers du Canada quand cela s'avère nécessaire; allonger la liste des délits qui entraînent l'inadmissibilité à entrer au Canada.

2. Désigner et aménager des lieux protégés où les blocages sont interdits

Cela pourrait inclure l'application des mesures à des lieux bien délimités comme les frontières, les voies d'accès aux frontières, d'autres infrastructures essentielles ou la ville d'Ottawa.

3. Ordonner à des personnes de fournir des services essentiels pour atténuer les répercussions des blocages sur l'économie du Canada

Cela pourrait comprendre les conducteurs de dépanneuses et leur équipement, contre rémunération.

4. Autoriser ou obliger les institutions financières à fournir des services essentiels pour atténuer les répercussions des blocages

Ceci pourrait inclure la réglementation et l'interdiction de l'utilisation de certains biens qui servent à financer ou soutenir les blocages.

5. Permettre à la Gendarmerie royale du Canada de faire appliquer les règlements municipaux et les lois provinciales, si le besoin s'en fait sentir et si les autorités locales le lui demandent

Toutes les mesures adoptées en application de la *Loi sur les mesures d'urgence* seraient applicables par les services de police municipaux et provinciaux; la Gendarmerie royale du Canada pourrait prêter main-forte si on le lui demande.

6. Imposer des amendes ou des peines d'emprisonnement en cas de contravention aux décrets ou règlements émis en vertu de l'article 19 de la *Loi sur les mesures d'urgence*

Notre gouvernement est conscient de l'importance de la coordination avec les provinces, les territoires ainsi que les municipalités pour garantir la sûreté et la sécurité des Canadiens et des Canadiennes. Des mesures ciblées, temporaires et proportionnées à la situation, prises en application de la *Loi sur les mesures d'urgence*, donneraient un appui supplémentaire aux services de police de votre province. Nous ne tentons ni de nous immiscer dans les champs de compétence des provinces et des territoires ni de remplacer les mesures que vous avez mises en place. Il s'agit plutôt pour le gouvernement fédéral de vous fournir des pouvoirs supplémentaires qui donneront à vos services de police tous les outils dont ils ont besoin pour faire respecter la loi et dénouer la crise que nous traversons. Nous ne proposons pas que la Gendarmerie royale du Canada ou une autre autorité supplante les services de police locaux; nous voulons en fait élargir l'éventail des outils dont disposent les forces de l'ordre à tous les niveaux. Nous souhaitons que l'intervention du gouvernement fédéral complète les mesures que votre gouvernement et vos municipalités prennent déjà pour apporter de la stabilité à notre pays. Le gouvernement fédéral demeurera à l'écoute de vos besoins en ressources et vous aidera, si vous en faites la demande, à composer avec la situation actuelle.

J'apprécie les points de vue que vous avez partagés hier lors de notre appel et je peux vous assurer qu'ils ont été pris en compte dans les approches que nous avons prises, en plus d'alimenter le rapport de consultation qui sera déposé avec la motion confirmant la déclaration. En plus des discussions que nous avons eues jusqu'à présent, des séances d'information et des discussions entre fonctionnaires dans les prochains jours seront utiles. La consultation et la coordination sur la mise en œuvre demeureront essentielles, ce qui cadre d'ailleurs avec les dispositions de la *Loi sur les mesures d'urgence* qui régissent les consultations.

Encore une fois, je vous remercie pour la discussion que nous avons eue au sujet de la *Loi sur les mesures d'urgence*. J'ai hâte d'en apprendre davantage sur votre point de vue au cours du processus de consultation que nous poursuivrons. Le gouvernement fédéral fera le suivi et évaluera continuellement l'application des pouvoirs conférés

par la *Loi sur les mesures d'urgence* et se tiendra prêt à réagir pour répondre à tous les besoins exprimés par les premiers ministres des provinces et des territoires. De plus, le ministre de la Sécurité publique fera le point régulièrement avec ses homologues. Vous pouvez vous adresser à moi, ou encore aux ministres Lametti, Mendicino et LeBlanc, pour discuter plus avant de cette question.

Je transmets un exemplaire de cette lettre, à titre d'information, à David Lametti, ministre de la Justice et procureur général du Canada; Chrystia Freeland, vice-première ministre et ministre des Finances; William Sterling Blair, président du Conseil privé de la Reine pour le Canada et ministre de la Protection civile; Marco E. L. Mendicino, ministre de la Sécurité publique; et à Dominic LeBlanc, ministre des Affaires intergouvernementales, de l'Infrastructure et des Collectivités.

Je vous prie d'agréer, Monsieur le premier ministre, l'expression de mes sentiments les meilleurs.

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PRIME MINISTER • PREMIER MINISTRE

FEV 15 2022
FEB 15 2022

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The Honourable Heather Stefanson
Premier of Manitoba
Room 204, Legislative Building
450 Broadway
Winnipeg, Manitoba
R3C 0V8

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The Honourable Jason Kenney
Premier of Alberta
Room 307, Legislature Building
10800, 97 Avenue
Edmonton, Alberta
T5K 2B6

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The Honourable John Horgan
Premier of British Columbia
P.O. Box 9041 Stn Prov Govt
Victoria, British Columbia
V8W 9E1

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PRIME MINISTER • PREMIER MINISTRE

77 MAY 15 2022

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The Honourable PJ Akeeagok
Premier of Nunavut
P.O. Box 1000, Station 200
Iqaluit, Nunavut
X0A 0H0

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FEB

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The Honourable Sandy Silver
Premier of Yukon
P.O. Box 2703
Yukon Government Building
Whitehorse, Yukon
Y1A 2C6

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The Honourable Scott Moe
Premier of Saskatchewan
Room 226, Legislative Building
Regina, Saskatchewan
S4S 0B3

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Premier of Nova Scotia
7th Floor, One Government Place
P.O. Box 726
Halifax, Nova Scotia
B3J 2T3

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Canada Gazette

Part II



Gazette du Canada

Partie II

OTTAWA, TUESDAY, FEBRUARY 15, 2022

OTTAWA, LE MARDI 15 FÉVRIER 2022

Registration
SOR/2022-20 February 15, 2022

EMERGENCIES ACT

Proclamation Declaring a Public Order Emergency

Mary May Simon

[L.S.]

Canada

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories QUEEN, Head of the Commonwealth, Defender of the Faith.

François Daigle
Deputy Attorney General of Canada

Great Seal of Canada

TO ALL WHOM these presents shall come or whom the same may in any way concern,

GREETING:

A Proclamation

Whereas the Governor in Council believes, on reasonable grounds, that a public order emergency exists and necessitates the taking of special temporary measures for dealing with the emergency;

Whereas the Governor in Council has, before declaring a public order emergency and in accordance with subsection 25(1) of the *Emergencies Act*, consulted the Lieutenant Governor in Council of each province, the

Enregistrement
DORS/2022-20 Le 15 février 2022

LOI SUR LES MESURES D'URGENCE

Proclamation déclarant une urgence d'ordre public

Mary May Simon

[S.L.]

Canada

ELIZABETH DEUX, par la Grâce de Dieu, REINE du Royaume-Uni, du Canada et de ses autres royaumes et territoires, Chef du Commonwealth, Défenseur de la Foi.

Le sous-procureur général du Canada,
François Daigle

Grand sceau du Canada

À TOUS CEUX à qui les présentes parviennent ou qu'elles peuvent de quelque manière concerner,

SALUT:

Proclamation

Attendu que la gouverneure en conseil croit, pour des motifs raisonnables, qu'il se produit un état d'urgence justifiant en l'occurrence des mesures extraordinaires à titre temporaire;

Attendu que la gouverneure en conseil a, conformément au paragraphe 25(1) de la *Loi sur les mesures d'urgence*, consulté le lieutenant-gouverneur en conseil de chaque province, les commissaires du Yukon et des Territoires du

Commissioners of Yukon and the Northwest Territories, acting with consent of their respective Executive Councils, and the Commissioner of Nunavut;

Now Know You that We, by and with the advice of Our Privy Council for Canada, pursuant to subsection 17(1) of the *Emergencies Act*, do by this Our Proclamation declare that a public order emergency exists throughout Canada and necessitates the taking of special temporary measures for dealing with the emergency;

And We do specify the emergency as constituted of

- (a) the continuing blockades by both persons and motor vehicles that is occurring at various locations throughout Canada and the continuing threats to oppose measures to remove the blockades, including by force, which blockades are being carried on in conjunction with activities that are directed toward or in support of the threat or use of acts of serious violence against persons or property, including critical infrastructure, for the purpose of achieving a political or ideological objective within Canada,
- (b) the adverse effects on the Canadian economy — recovering from the impact of the pandemic known as the coronavirus disease 2019 (COVID-19) — and threats to its economic security resulting from the impacts of blockades of critical infrastructure, including trade corridors and international border crossings,
- (c) the adverse effects resulting from the impacts of the blockades on Canada's relationship with its trading partners, including the United States, that are detrimental to the interests of Canada,
- (d) the breakdown in the distribution chain and availability of essential goods, services and resources caused by the existing blockades and the risk that this breakdown will continue as blockades continue and increase in number, and
- (e) the potential for an increase in the level of unrest and violence that would further threaten the safety and security of Canadians;

And We do further specify that the special temporary measures that may be necessary for dealing with the emergency, as anticipated by the Governor in Council, are

- (a) measures to regulate or prohibit any public assembly — other than lawful advocacy, protest or dissent — that may reasonably be expected to lead to a breach of the peace, or the travel to, from or within any specified area, to regulate or prohibit the use of specified property, including goods to be used with respect to a

Nord-Ouest agissant avec l'agrément de leur conseil exécutif respectif et le commissaire du Nunavut avant de faire la déclaration de l'état d'urgence,

Sachez que, sur et avec l'avis de Notre Conseil privé pour le Canada, Nous, en vertu du paragraphe 17(1) de la *Loi sur les mesures d'urgence*, par Notre présente proclamation, déclarons qu'il se produit dans tout le pays un état d'urgence justifiant en l'occurrence des mesures extraordinaires à titre temporaire;

Sachez que Nous décrivons l'état d'urgence comme prenant la forme suivante :

- a) les blocages continus mis en place par des personnes et véhicules à différents endroits au Canada et les menaces continues proférées en opposition aux mesures visant à mettre fin aux blocages, notamment par l'utilisation de la force, lesquels blocages ont un lien avec des activités qui visent à favoriser l'usage de la violence grave ou de menaces de violence contre des personnes ou des biens, notamment les infrastructures essentielles, dans le but d'atteindre un objectif politique ou idéologique au Canada,
- b) les effets néfastes sur l'économie canadienne — qui se relève des effets de la pandémie de la maladie à coronavirus 2019 (COVID-19) — et les menaces envers la sécurité économique du Canada découlant des blocages d'infrastructures essentielles, notamment les axes commerciaux et les postes frontaliers internationaux,
- c) les effets néfastes découlant des blocages sur les relations qu'entretient le Canada avec ses partenaires commerciaux, notamment les États-Unis, lesquels effets sont préjudiciables aux intérêts du Canada,
- d) la rupture des chaînes de distribution et de la mise à disposition de ressources, de services et de denrées essentiels causée par les blocages existants et le risque que cette rupture se perpétue si les blocages continuent et augmentent en nombre,
- e) le potentiel d'augmentation du niveau d'agitation et de violence qui menaceraient davantage la sécurité des Canadiens;

Sachez que Nous jugeons les mesures d'intervention ci-après nécessaires pour faire face à l'état d'urgence :

- a) des mesures pour réglementer ou interdire les assemblées publiques — autre que les activités licites de défense d'une cause, de protestation ou de manifestation d'un désaccord — dont il est raisonnable de penser qu'elles auraient pour effet de troubler la paix, ou les déplacements à destination, en provenance ou à l'intérieur d'une zone désignée, pour réglementer ou

blockade, and to designate and secure protected places, including critical infrastructure,

(b) measures to authorize or direct any person to render essential services of a type that the person is competent to provide, including services related to removal, towing and storage of any vehicle, equipment, structure or other object that is part of a blockade anywhere in Canada, to relieve the impacts of the blockades on Canada's public and economic safety, including measures to identify those essential services and the persons competent to render them and the provision of reasonable compensation in respect of services so rendered,

(c) measures to authorize or direct any person to render essential services to relieve the impacts of the blockade, including to regulate or prohibit the use of property to fund or support the blockade, to require any crowdfunding platform and payment processor to report certain transactions to the Financial Transactions and Reports Analysis Centre of Canada and to require any financial service provider to determine whether they have in their possession or control property that belongs to a person who participates in the blockade,

(d) measures to authorize the Royal Canadian Mounted Police to enforce municipal and provincial laws by means of incorporation by reference,

(e) the imposition of fines or imprisonment for contravention of any order or regulation made under section 19 of the *Emergencies Act*; and

(f) other temporary measures authorized under section 19 of the *Emergencies Act* that are not yet known.

In testimony whereof, We have caused this Our Proclamation to be published and the Great Seal of Canada to be affixed to it.

WITNESS:

Our Right Trusty and Well-beloved Mary May Simon, Chancellor and Principal Companion of Our Order of Canada, Chancellor and Commander of Our Order of Military Merit, Chancellor and Commander of Our Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.

interdire l'utilisation de biens désignés, notamment les biens utilisés dans le cadre d'un blocage, et pour désigner et aménager des lieux protégés, notamment les infrastructures essentielles,

b) des mesures pour habiliter toute personne compétente à fournir des services essentiels ou lui ordonner de fournir de tels services, notamment l'enlèvement, le remorquage et l'entreposage de véhicules, d'équipement, de structures ou de tout autre objet qui font partie d'un blocage n'importe où au Canada, afin de pallier les effets des blocages sur la sécurité publique et économique du Canada, notamment des mesures pour cerner ces services essentiels et les personnes compétentes à les fournir, ainsi que le versement d'une indemnité raisonnable pour ces services,

c) des mesures pour habiliter toute personne à fournir des services essentiels ou lui ordonner de fournir de tels services afin de pallier les effets des blocages, notamment des mesures pour réglementer ou interdire l'usage de biens en vue de financer ou d'appuyer les blocages, pour exiger de toute plateforme de sociofinancement et de tout fournisseur de traitement de paiement qu'il déclare certaines opérations au Centre d'analyse des opérations et déclarations financières du Canada et pour exiger de tout fournisseur de services financiers qu'il vérifie si des biens qui sont en sa possession ou sous son contrôle appartiennent à une personne qui participe à un blocage,

d) des mesures pour habiliter la Gendarmerie royale du Canada à appliquer les lois municipales et provinciales au moyen de l'incorporation par renvoi,

e) en cas de contravention aux décrets ou règlements pris au titre de l'article 19 de la *Loi sur les mesures d'urgence*, l'imposition d'amendes ou de peines d'emprisonnement,

f) toute autre mesure d'intervention autorisée par l'article 19 de la *Loi sur les mesures d'urgence* qui est encore inconnue.

En foi de quoi, Nous avons pris et fait publier Notre présente Proclamation et y avons fait apposer le grand sceau du Canada.

TÉMOIN :

Notre très fidèle et bien-aimée Mary May Simon, chancelière et compagnon principal de Notre Ordre du Canada, chancelière et commandeur de Notre Ordre du mérite militaire, chancelière et commandeur de Notre Ordre du mérite des corps policiers, gouverneure générale et commandante en chef du Canada.

At Our Government House, in Our City of Ottawa, this fourteenth day of February in the year of Our Lord two thousand and twenty-two and in the seventy-first year of Our Reign.

BY COMMAND,

Simon Kennedy
Deputy Registrar General of Canada

À Notre hôtel du gouvernement, en Notre ville d'Ottawa, ce quatorzième jour de février de l'an de grâce deux mille vingt-deux, soixante et onzième de Notre règne.

PAR ORDRE,

Le sous-registraire général du Canada,
Simon Kennedy

Registration
SOR/2022-21 February 15, 2022

EMERGENCIES ACT

P.C. 2022-107 February 15, 2022

Whereas the Governor in Council has, by a proclamation made pursuant to subsection 17(1) of the *Emergencies Act*^a, declared that a public order emergency exists;

And whereas the Governor in Council believes on reasonable grounds, that the regulation or prohibition of public assemblies in the areas referred to in these Regulations are necessary;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Minister of Public Safety and Emergency Preparedness, pursuant to subsection 19(1) of the *Emergencies Act*^a, makes the annexed *Emergency Measures Regulations*.

Emergency Measures Regulations

Interpretation

1 The following definitions apply to these Regulations

Act means the *Emergencies Act* (*Loi*)

critical infrastructure means the following places, including any land on which they are located:

- (a) airports, aerodromes, heliports, harbours, ports, piers, lighthouses, canals, railway stations, railways, tramway lines, bus stations, bus depots and truck depots;
- (b) infrastructure for the supply of utilities such as water, gas, sanitation and telecommunications;
- (c) international and interprovincial bridges and crossings;
- (d) power generation and transmission facilities;
- (e) hospitals and locations where COVID-19 vaccines are administered;
- (f) trade corridors and international border crossings, including ports of entry, ferry terminals, customs offices, bonded warehouses, and sufferance warehouses. (*infrastructures essentielles*)

^a R.S., c. 22 (4th Supp.)

Enregistrement
DORS/2022-21 Le 15 février 2022

LOI SUR LES MESURES D'URGENCE

C.P. 2022-107 Le 15 février 2022

Attendu que la gouverneure en conseil a, par proclamation prise en vertu du paragraphe 17(1) de la *Loi sur les mesures d'urgence*^a, déclaré qu'il se produit un état d'urgence;

Attendu que la gouverneure en conseil croit, pour des motifs raisonnables, qu'il est fondé de réglementer ou d'interdire des assemblées publiques dans les endroits visés,

À ces causes, sur recommandation du ministre de la Sécurité publique et de la Protection civile et en vertu du paragraphe 19(1) de la *Loi sur les mesures d'urgence*^a, Son Excellence la Gouverneure générale en conseil prend le *Règlement sur les mesures d'urgences*, ci-après.

Règlement sur les mesures d'urgences

Définitions

1 Les définitions qui suivent s'appliquent au présent règlement.

agent de la paix Tout officier de police ou agent de police employé à la préservation et au maintien de la paix publique. (*peace officer*)

étranger S'entend au sens du paragraphe 2(1) de la *Loi sur l'immigration et la protection des réfugiés*. (*foreign national*)

infrastructures essentielles Les lieux ci-après, y compris le terrain sur lequel ils sont situés :

- a) les aéroports, aérodromes, héliports, havres, ports, gares maritimes, jetées, phares, canaux, gares ferroviaires et chemins de fer, terminus d'autobus et garages d'autobus ou de camions;
- b) les infrastructures servant à la fourniture de services publics tels que l'eau, le gaz, l'assainissement et les télécommunications;
- c) les ponts et les ouvrages de franchissement internationaux et interprovinciaux;
- d) les installations de production et de transmission d'énergie;

^a L.R., ch. 22 (4e suppl.)

foreign national has the same meaning as in subsection 2(1) of the *Immigration and Refugee Protection Act* (*étranger*)

peace officer means a police officer, police constable, constable, or other person employed for the preservation and maintenance of the public peace (*agent de la paix*)

protected person has the same meaning as in subsection 95(2) of the *Immigration and Refugee Protection Act* (*personne protégée*)

Prohibition — public assembly

2 (1) A person must not participate in a public assembly that may reasonably be expected to lead to a breach of the peace by:

- (a) the serious disruption of the movement of persons or goods or the serious interference with trade;
- (b) the interference with the functioning of critical infrastructure; or
- (c) the support of the threat or use of acts of serious violence against persons or property.

Minor

(2) A person must not cause a person under the age of eighteen years to participate in an assembly referred to in subsection (1).

Prohibition — entry to Canada — foreign national

3 (1) A foreign national must not enter Canada with the intent to participate in or facilitate an assembly referred to in subsection 2(1).

Exemption

(2) Subsection (1) does not apply to

- (a) a person registered as an Indian under the *Indian Act*;
- (b) a person who has been recognized as a Convention refugee or a person in similar circumstances to those of a Convention refugee within the meaning of subsection 146(1) of the *Immigration and Refugee Protection Regulations* who is issued a permanent resident visa under subsection 139(1) of those regulations;
- (c) a person who has been issued a temporary resident permit within the meaning of subsection 24(1) of the *Immigration and Refugee Protection Act* and who seeks to enter Canada as a protected temporary resident under subsection 151.1(2) of the *Immigration and Refugee Protection Regulations*;

e) les hôpitaux et les endroits où sont administrés les vaccins contre la COVID-19;

f) les axes commerciaux et les postes frontaliers internationaux, y compris les points d'entrée, les bureaux de douanes, les entrepôts de stockage et les entrepôts d'attente. (*critical infrastructure*)

Loi La Loi sur les mesures d'urgence. (*Act*)

personne protégée S'entend au sens du paragraphe 95(2) de la *Loi sur l'immigration et la protection des réfugiés*. (*protected person*)

Interdiction – assemblée publique

2 (1) Il est interdit de participer à une assemblée publique dont il est raisonnable de penser qu'elle aurait pour effet de troubler la paix par l'un des moyens suivants :

- a) en entravant gravement le commerce ou la circulation des personnes et des biens;
- b) en entravant le fonctionnement d'infrastructures essentielles;
- c) en favorisant l'usage de la violence grave ou de menaces de violence contre des personnes ou des biens.

Mineur

(2) Il est interdit de faire participer une personne âgée de moins de dix-huit ans à une assemblée visée au paragraphe (1).

Interdiction – entrée au Canada – étranger

3 (1) Il est interdit à l'étranger d'entrer au Canada avec l'intention de participer à une assemblée visée au paragraphe 2(1) ou de faciliter une telle assemblée.

Exemption

(2) Le paragraphe (1) ne s'applique pas aux personnes suivantes :

- a) une personne inscrite à titre d'Indien sous le régime de la *Loi sur les Indiens*;
- b) la personne reconnue comme réfugié au sens de la Convention, ou la personne dans une situation semblable à celui-ci au sens du paragraphe 146(1) du *Règlement sur l'immigration et la protection des réfugiés*, qui est titulaire d'un visa de résident permanent délivré aux termes du paragraphe 139(1) de ce règlement;
- c) la personne qui est titulaire d'un permis de séjour temporaire au sens du paragraphe 24(1) de la *Loi sur l'immigration et la protection des réfugiés* et qui cherche à entrer au Canada à titre de résident temporaire protégé aux termes du paragraphe 151.1(2) du *Règlement sur l'immigration et la protection des réfugiés*;

(d) a person who seeks to enter Canada for the purpose of making a claim for refugee protection;

(e) a protected person;

(f) a person or any person in a class of persons whose presence in Canada, as determined by the Minister of Citizenship and Immigration or the Minister of Public Safety and Emergency Preparedness, is in the national interest.

Travel

4 (1) A person must not travel to or within an area where an assembly referred to in subsection 2(1) is taking place.

Minor — travel near public assembly

(2) A person must not cause a person under the age of eighteen years to travel to or within 500 metres of an area where an assembly referred to in subsection 2(1) is taking place.

Exemptions

(3) A person is not in contravention of subsections (1) and (2) if they are

(a) a person who, within of the assembly area, resides, works or is moving through that area for reasons other than to participate in or facilitate the assembly;

(b) a person who, within the assembly area, is acting with the permission of a peace officer or the Minister of Public Safety and Emergency Preparedness;

(c) a peace officer; or

(d) an employee or agent of the government of Canada or a province who is acting in the execution of their duties.

Use of property — prohibited assembly

5 A person must not, directly or indirectly, use, collect, provide make available or invite a person to provide property to facilitate or participate in any assembly referred to in subsection 2(1) or for the purpose of benefiting any person who is facilitating or participating in such an activity.

Designation of protected places

6 The following places are designated as protected and may be secured:

(a) critical infrastructures;

(b) *Parliament Hill* and the *parliamentary precinct* as they are defined in section 79.51 of the *Parliament of Canada Act*;

(d) la personne qui cherche à entrer au Canada afin de faire une demande d'asile;

(e) la personne protégée;

(f) sa présence au Canada est, individuellement ou au titre de son appartenance à une catégorie de personnes, selon ce que conclut le ministre de la Citoyenneté et de l'Immigration ou le ministre de la Sécurité publique et de la Protection civile, dans l'intérêt national.

Déplacements

4 (1) Il est interdit de se déplacer à destination ou à l'intérieur d'une zone où se tient une assemblée visée au paragraphe 2(1).

Déplacements à proximité d'une assemblée publique – mineur

(2) Il est interdit de faire déplacer une personne âgée de moins de dix-huit ans, à destination ou à moins de 500 mètres de la zone où se tient une assemblée visée au paragraphe 2(1).

Exemptions

(3) Ne contrevient pas aux paragraphes (1) et (2) :

(a) la personne qui réside, travaille ou circule dans la zone de l'assemblée, pour des motifs autres que de prendre part à l'assemblée ou la faciliter;

(b) la personne qui, relativement à la zone d'assemblée, agit avec la permission d'un agent de la paix ou du ministre de la Sécurité publique et de la Protection civile;

(c) l'agent de la paix;

(d) l'employé ou le mandataire du gouvernement du Canada ou d'une province qui agit dans l'exercice de ses fonctions.

Utilisation de biens – assemblée interdite

5 Il est interdit, directement ou non, d'utiliser, de réunir, de rendre disponibles ou de fournir des biens — ou d'inviter une autre personne à le faire — pour participer à toute assemblée visée au paragraphe 2(1) ou faciliter une telle assemblée ou pour en faire bénéficier une personne qui participe à une telle assemblée ou la facilite.

Désignation de lieux protégés

6 Les lieux suivants sont protégés et peuvent être aménagés :

(a) les infrastructures essentielles;

(b) la *cité parlementaire* et la *Colline parlementaire* au sens de l'article 79.51 de la *Loi sur le Parlement du Canada*;

(c) official residences;

(d) government buildings and defence buildings

(e) any property that is a building, structure or part thereof that primarily serves as a monument to honour persons who were killed or died as a consequence of a war, including a war memorial or cenotaph, or an object associated with honouring or remembering those persons that is located in or on the grounds of such a building or structure, or a cemetery;

(f) any other place as designated by the Minister of Public Safety and Emergency Preparedness.

Direction to render essential goods and services

7 (1) Any person must make available and render the essential goods and services requested by the Minister of Public Safety and Emergency Preparedness, the Commissioner of the Royal Canadian Mounted Police or a person acting on their behalf for the removal, towing and storage of any vehicle, equipment, structure or other object that is part of a blockade.

Method of request

(2) Any request made under subsection (1) may be made in writing or given verbally by a person acting on their behalf.

Verbal request

(3) Any verbal request must be confirmed in writing as soon as possible.

Period of request

8 A person who, in accordance with these Regulations, is subject to a request under section 7 to render essential goods and services must comply immediately with that request until the earlier of any of the following:

(a) the day referred to in the request;

(b) the day on which the declaration of the public order emergency expires or is revoked; or

(c) the day on which these Regulations are repealed.

Compensation for essential goods and services

9 (1) Her Majesty in right of Canada is to provide reasonable compensation to a person for any goods or services that they have rendered at their request under section 7, which amount must be equal to the current market price for those goods or services of that same type, in the area in which the goods or services are rendered.

(c) les résidences officielles;

(d) les immeubles gouvernementaux et les immeubles de la défense;

(e) tout ou partie d'un bâtiment ou d'une structure servant principalement de monument érigé en l'honneur des personnes tuées ou décédées en raison d'une guerre — notamment un monument commémoratif de guerre ou un cénotaphe —, d'un objet servant à honorer ces personnes ou à en rappeler le souvenir et se trouvant dans un tel bâtiment ou une telle structure ou sur le terrain où ceux-ci sont situés, ou d'un cimetière;

(f) tout autre lieu désigné par le ministre de la Sécurité publique et de la Protection civile.

Ordre de fournir des biens et services essentiels

7 (1) Toute personne doit rendre disponibles et fournir les biens et services essentiels demandés par le ministre de la Sécurité publique et de la Protection civile, du commissaire de la Gendarmerie royale du Canada, ou la personne agissant en leur nom pour l'enlèvement, le remorquage et l'entreposage de véhicules, d'équipement, des structures ou de tout autre objet qui composent un blocage.

Modalités

(2) La demande faite au titre du paragraphe (1) peut être faite par écrit ou communiquée verbalement ou la personne agissant en son nom.

Demande verbale

(3) La demande verbale est confirmée par écrit dès que possible.

Période de validité

8 Quiconque fait l'objet d'une demande au titre de l'article 7 pour la fourniture de biens et de services essentiels est tenu de s'y conformer dans les plus brefs délais jusqu'à la première des dates suivantes :

(a) la date indiqué à la demande;

(b) la date de l'abrogation ou la cessation d'effet de la déclaration d'état d'urgence;

(c) la date de l'abrogation du présent règlement.

Indemnisation pour les biens et services essentiels

9 (1) Sa Majesté du chef du Canada accorde une indemnité raisonnable à la personne pour les biens fournis et les services rendus à sa demande aux termes de l'article 7 dont le montant équivaut au taux courant du marché pour les biens et services de même type, dans la région où les biens ont été fournis ou où les services ont été rendus.

Compensation

(2) Any person who suffers loss, injury or damage as a result of anything done or purported to be done under these Regulations may make an application for compensation in accordance with Part V of the *Emergencies Act* and any regulations made under that Part, as the case may be.

Compliance — peace officer

10 (1) In the case of a failure to comply with these Regulations, any peace officer may take the necessary measures to ensure the compliance with these Regulations and with any provincial or municipal laws and allow for the prosecution for that failure to comply.

Contravention of Regulations

(2) In the case of a failure to comply with these Regulations, any peace officer may take the necessary measures to ensure the compliance and allow for the prosecution for that failure to comply

(a) on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both; or

(b) on indictment, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding five years or to both.

Coming into force

11 This Order comes into force on the day on which it is registered.

Indemnisation

(2) Toute personne qui subit des dommages corporels ou matériels entraînés par des actes accomplis, ou censés l'avoir été, en application du présent règlement peut, à cet égard, présenter une demande d'indemnisation conformément à la partie V de la *Loi sur les mesures d'urgence* et à ses règlements d'application, le cas échéant.

Application des lois

10 (1) En cas de contravention au présent règlement, tout agent de la paix peut prendre les mesures nécessaires pour faire observer le présent règlement ou toutes lois provinciales ou municipales et permettre l'engagement de poursuites pour cette contravention.

Pénalités

(2) Quiconque contrevient au présent règlement est coupable d'une infraction passible, sur déclaration de culpabilité :

a) par procédure sommaire, d'une amende maximale de 500 \$ et d'un d'emprisonnement maximal de six mois, ou de l'une de ces peines;

b) par mise en accusation, d'une amende maximale de 5 000 \$ et d'un emprisonnement maximal de cinq ans, ou de l'une de ces peines.

Entrée en vigueur

11 Le présent règlement entre en vigueur à la date de son enregistrement.

Registration
SOR/2022-22 February 15, 2022

EMERGENCIES ACT

P.C. 2022-108 February 15, 2022

Whereas the Governor in Council has, by a proclamation made pursuant to subsection 17(1) of the *Emergencies Act*, declared that a public order emergency exists;

And whereas the Governor in Council has reasonable grounds to believe that the measures with respect to property referred to in this Order are necessary;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Minister of Public Safety and Emergency Preparedness, pursuant to subsection 19(1) of the *Emergencies Act*, makes the annexed *Emergency Economic Measures Order*.

Emergency Economic Measures Order

Definitions

1 The following definitions apply to this Order:

designated person means any individual or entity that is engaged, directly or indirectly, in an activity prohibited by sections 2 to 5 of the *Emergency Measures Regulations*. (*personne désignée*)

entity includes a corporation, trust, partnership, fund, unincorporated association or organization or foreign state. (*entité*)

Duty to cease dealings

2 (1) Any entity set out in section 3 must, upon the coming into force of this Order, cease

(a) dealing in any property, wherever situated, that is owned, held or controlled, directly or indirectly, by a designated person or by a person acting on behalf of or at the direction of that designated person;

(b) facilitating any transaction related to a dealing referred to in paragraph (a);

(c) making available any property, including funds or virtual currency, to or for the benefit of a designated person or to a person acting on behalf of or at the direction of a designated person; or

Enregistrement
DORS/2022-22 Le 15 février 2022

LOI SUR LES MESURES D'URGENCE

C.P. 2022-108 Le 15 février 2022

Attendu que la gouverneure en conseil a, par proclamation prise en vertu du paragraphe 17(1) de la *Loi sur les mesures d'urgence*, déclaré qu'il existe un état d'urgence;

Attendu que la gouverneure en conseil a des motifs raisonnables de croire que les mesures relatives aux biens prévues dans le présent décret sont fondées,

À ces causes, sur recommandation du ministre de la Sécurité publique et de la Protection civile et en vertu du paragraphe 19(1) de la *Loi sur les mesures d'urgence*, Son Excellence la Gouverneure générale en conseil prend le *Décret sur les mesures économiques d'urgence*, ci-après.

Décret sur les mesures économiques d'urgence

Définitions

1 Les définitions qui suivent s'appliquent au présent décret :

entité S'entend notamment d'une personne morale, d'une fiducie, d'une société de personne, d'un fonds, d'une organisation ou d'une association dotée de la personnalité morale ou d'un État étranger. (*entité*)

personne désignée Toute personne physique ou entité qui participe, même indirectement, à l'une ou l'autre des activités interdites au titre des articles 2 à 5 du *Règlement sur les mesures d'urgence*. (*designated person*)

Obligations de cesser les opérations

2 (1) Dès l'entrée en vigueur du présent décret, les entités visées à l'article 3 doivent cesser :

a) toute opération portant sur un bien, où qu'il se trouve, appartenant à une personne désignée ou détenu ou contrôlé par elle ou pour son compte ou suivant ses instructions;

b) toute transaction liée à une opération visée à l'alinéa a) ou d'en faciliter la conclusion;

c) de rendre disponible des biens — notamment des fonds ou de la monnaie virtuelle — à une personne désignée ou à une personne agissant pour son compte

(d) providing any financial or related services to or for the benefit of any designated person or acquire any such services from or for the benefit of any such person or entity.

Insurance policy

(2) Paragraph 2(1)(d) does not apply in respect of any insurance policy which was valid prior to the coming in force of this Order other than an insurance policy for any vehicle being used in a public assembly referred to in subsection 2(1) of the *Emergency Measures Regulations*.

Duty to determine

3 The following entities must determine on a continuing basis whether they are in possession or control of property that is owned, held or controlled by or on behalf of a designated person:

(a) *authorized foreign banks*, as defined in section 2 of the *Bank Act*, in respect of their business in Canada, and banks regulated by that Act;

(b) cooperative credit societies, savings and credit unions and caisses populaires regulated by a provincial Act and associations regulated by the *Cooperative Credit Associations Act*;

(c) *foreign companies*, as defined in subsection 2(1) of the *Insurance Companies Act*, in respect of their insurance business in Canada;

(d) *companies*, *provincial companies* and *societies*, as those terms are defined in subsection 2(1) of the *Insurance Companies Act*;

(e) fraternal benefit societies regulated by a provincial Act in respect of their insurance activities and insurance companies and other entities regulated by a provincial Act that are engaged in the business of insuring risks;

(f) companies regulated by the *Trust and Loan Companies Act*;

(g) trust companies regulated by a provincial Act;

(h) loan companies regulated by a provincial Act;

(i) entities that engage in any activity described in paragraphs 5(h) and (h.1) of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act*;

(j) entities authorized under provincial legislation to engage in the business of dealing in securities or to provide portfolio management or investment counselling services;

ou suivant ses instructions, ou au profit de l'une ou l'autre de ces personnes;

d) de fournir des services financiers ou connexes à une personne désignée ou à son profit ou acquérir de tels services auprès d'elle ou à son profit.

Police d'assurance

(2) Toutefois, l'alinéa 2(1)d) ne s'applique pas à l'égard d'une police d'assurance effective — au moment de l'entrée en vigueur du présent décret — portant sur un véhicule autre que celui utilisé lors d'une assemblée publique visée au paragraphe 2(1) du *Règlement sur les mesures d'urgence*.

Vérification

3 Il incombe aux entités mentionnées ci-après de vérifier de façon continue si des biens qui sont en leur possession ou sous leur contrôle appartiennent à une personne désignée ou sont détenus ou contrôlés par elle ou pour son compte :

a) les banques étrangères autorisées, au sens de l'article 2 de la *Loi sur les banques*, dans le cadre de leurs activités au Canada, et les banques régies par cette loi;

b) les coopératives de crédit, caisses d'épargne et de crédit et caisses populaires régies par une loi provinciale et les associations régies par la *Loi sur les associations coopératives de crédit*;

c) les sociétés étrangères, au sens du paragraphe 2(1) de la *Loi sur les sociétés d'assurances*, dans le cadre de leurs activités d'assurance au Canada;

d) les sociétés, les sociétés de secours et les sociétés provinciales, au sens du paragraphe 2(1) de la *Loi sur les sociétés d'assurances*;

e) les sociétés de secours mutuel régies par une loi provinciale, dans le cadre de leurs activités d'assurance, et les sociétés d'assurances et autres entités régies par une loi provinciale qui exercent le commerce de l'assurance;

f) les sociétés régies par la *Loi sur les sociétés de fiducie et de prêt*;

g) les sociétés de fiducie régies par une loi provinciale;

h) les sociétés de prêt régies par une loi provinciale;

i) les entités qui se livrent à une activité visée aux alinéas 5h) et h.1) de la *Loi sur le recyclage des produits de la criminalité et le financement des activités terroristes*;

(k) entities that provide a platform to raise funds or virtual currency through donations; and

(l) entities that perform any of the following payment functions:

(i) the provision or maintenance of an account that, in relation to an electronic funds transfer, is held on behalf of one or more end users,

(ii) the holding of funds on behalf of an end user until they are withdrawn by the end user or transferred to another individual or entity,

(iii) the initiation of an electronic funds transfer at the request of an end user,

(iv) the authorization of an electronic funds transfer or the transmission, reception or facilitation of an instruction in relation to an electronic funds transfer, or

(v) the provision of clearing or settlement services.

Registration requirement — FINTRAC

4 (1) The entities referred to in paragraphs 3(k) and (l) must register with the Financial Transactions and Reports Analysis Centre of Canada established by section 41 of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Act* if they are in possession or control of property that is owned, held or controlled by or on behalf of a designated person.

Reporting obligation — suspicious transactions

(2) Those entities must also report to the Centre every financial transaction that occurs or that is attempted in the course of their activities and in respect of which there are reasonable grounds to suspect that

(a) the transaction is related to the commission or the attempted commission of a money laundering offence by a designated person; or

(b) the transaction is related to the commission or the attempted commission of a terrorist activity financing offence by a designated person.

Reporting obligation — other transactions

(3) Those entities must also report to the Centre the transactions and information set out in subsections 30(1)

j) les entités autorisées en vertu de la législation provinciale à se livrer au commerce des valeurs mobilières ou à fournir des services de gestion de portefeuille ou des conseils en placement;

k) les plateformes collaboratives et celles de monnaie virtuelle qui sollicitent des dons;

l) toute entité qui exécute l'une ou l'autre de fonctions suivantes :

(i) la fourniture ou la tenue d'un compte détenu au nom d'un ou de plusieurs utilisateurs finaux en vue d'un transfert électronique de fonds,

(ii) la détention de fonds au nom d'un utilisateur final jusqu'à ce qu'ils soient retirés par celui-ci ou transférés à une personne physique ou à une entité,

(iii) l'initiation d'un transfert électronique de fonds à la demande d'un utilisateur final,

(iv) l'autorisation de transfert électronique de fonds ou la transmission, la réception ou la facilitation d'une instruction en vue d'un transfert électronique de fonds,

(v) la prestation de services de compensation ou de règlement.

Inscription obligatoire — Centre

4 (1) Les entités visées aux alinéas 3k) et l) doivent s'inscrire auprès du Centre d'analyse des opérations et déclarations financières du Canada constitué par l'article 41 de la *Loi sur le recyclage des produits de la criminalité et le financement des activités terroristes* s'ils ont en leur possession un bien appartenant à une personne désignée ou détenu ou contrôlé par elle ou pour son compte ou suivant ses instructions.

Opérations douteuses

(2) Elles doivent également déclarer au Centre toute opération financière effectuée ou tentée dans le cours de ses activités et à l'égard de laquelle il y a des motifs raisonnables de soupçonner qu'elle est liée à la perpétration — réelle ou tentée — par à une personne désignée :

a) soit d'une infraction de recyclage des produits de la criminalité;

b) soit d'une infraction de financement des activités terroristes.

Autres opérations

(3) Elles doivent également déclarer au Centre les opérations visées aux paragraphes 30(1) ou 33(1) du *Règlement*

and 33(1) of the *Proceeds of Crime (Money Laundering) and Terrorist Financing Regulations*.

Duty to disclose — RCMP or CSIS

5 Every entity set out in section 3 must disclose without delay to the Commissioner of the Royal Canadian Mounted Police or to the Director of the Canadian Security Intelligence Service

(a) the existence of property in their possession or control that they have reason to believe is owned, held or controlled by or on behalf of a designated person; and

(b) any information about a transaction or proposed transaction in respect of property referred to in paragraph (a).

Disclosure of information

6 A Government of Canada, provincial or territorial institution may disclose information to any entity set out in section 3, if the disclosing institution is satisfied that the disclosure will contribute to the application of this Order.

Immunity

7 No proceedings under the *Emergencies Act* and no civil proceedings lie against an entity for complying with this Order.

Coming into force

8 This Order comes into force on the day on which it is registered.

sur le recyclage des produits de la criminalité et le financement des activités terroristes.

Obligation de communication à la GRC et au SCRC

5 Toute entité visée à l'article 3 est tenue de communiquer, sans délai, au commissaire de la Gendarmerie royale du Canada ou au directeur du Service canadien du renseignement de sécurité :

a) le fait qu'elle croit que des biens qui sont en sa possession ou sous son contrôle appartiennent à une personne désignée ou sont détenus ou contrôlés par elle ou pour son compte;

b) tout renseignement portant sur une transaction, réelle ou projetée, mettant en cause des biens visés à l'alinéa a).

Communication

6 Toute institution fédérale, provinciale ou territoriale peut communiquer des renseignements au responsable d'une entité visée à l'article 3, si elle est convaincue que les renseignements aideront à l'application du présent décret.

Immunité

7 Aucune poursuite en vertu de la *Loi sur les mesures d'urgence* ni aucune procédure civile ne peuvent être intentées contre une entité qui se conforme au présent décret.

Entrée en vigueur

8 Le présent décret entre en vigueur à la date de son enregistrement.